

APPROVED (November 20, 2017)
**REGULAR MEETING OF THE BOARD OF MANAGERS OF THE
MIDDLE- SNAKE-TAMARAC RIVERS WATERSHED DISTRICT
HELD AT 453 NORTH MCKINLEY STREET, WARREN, MN
8:30 A.M. November 6, 2017**

The meeting was called to order by President John W Nelson. Managers John W Nelson, Roger Mischel, Bill Petersen, Brad Blawat and Eric Johnson were present. Manager David Bakke was not present. Connie Kujawa, Tony Nordby, Kyle Schломann, Danny Omdahl, Dillon Nelson, LeRoy Vonasek, Joel Praska, Tyler Larson, Rolland Miller, Douglas Wonnenberg, James Kuznia, Tom Kostrzewski, Heidi Hughes, Stephanie Klamm, Thomas Widner, Ken Borowicz, Don Kathman, Greg Borowicz, Darren Carlson, Ken DeVine, Alen Szczepanski, Wanger Twp Supervisors Jeff Gyskiewicz, James Kuznia and Jeff Nelson were also present. Manager Robert Kovar joined the meeting at approximately 8:37 a.m.

Motion by Mr. Bill Petersen, seconded by Mr. Roger Mischel that the agenda be approved, as amended with the addition of MAWD. Motion unanimously carried.

Motion by Mr. Roger Mischel, seconded by Mr. Brad Blawat that the minutes of the October 16, 2017 meeting be approved, as presented. Motion unanimously carried.

District staff informed the Board they marked a slough, for safety concerns, on Judicial Ditch #29, in Section 31 of Tamarac Township. Tom Widner, Tamarac Township Supervisor, reported the Township has hauled in dirt to temporarily fix the slough and that Tamarac Township will provide 50% cost share assistance to the District to repair the slough during the 2018 construction season. The Board directed Tony Nordby to view the slough in the spring and make a recommendation to repair the slough.

Heidi Hughes, Agassiz Audubon Society, stated the Audubon is proposing to apply for a grant with the Northwest Minnesota Foundation for cost share assistance to install signage, a composting toilet and gravel for a parking area. She stated the approximate cost for the signs would be \$8,388.36; parking area gravel \$2,250.00 and the composting toilet would be a \$45,000.00. She stated the proposed grant requires a cost share of 2/3 and inquired if the District would cost share \$2,796.12 for the signs, \$15,000.00 for the toilet and \$750.00 for the gravel. The Board directed Heidi Hughes to check for additional funding resources before they will address this matter.

Heidi Hughes also reported she has been contacted by an individual who is interested in removing the hybrid poplars in the NW4 of section 18, Helgeland Township. She stated if the poplars are removed from the area it could be seeded to grass. The Board directed Heidi to get an estimate from the individual interested in removing the trees and that a conversation be held with the Omdahl Family to see if they would be receptive to removing the trees.

Greg Borowicz discussed the sediment removal work that was performed in W2 SW4 Section 21 of Wanger Township. He stated the work strayed from removing just sediment and the contractor cut through clay to establish an apparent culvert to culvert grade. Administrator Praska informed the Board that when the District staff was notified of the unpermitted work being performed they immediately shut the contractor down and informed the landowner the unpermitted work had to be put back to the original state.

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Mr. Borowicz and Others also discussed the approximate 450' of unpermitted new ditch that was constructed in the E2 NW4 of Section 20 of Wanger Township. The excavated dirt was used to fill in the adjacent coulee. Administrator Praska reported the District staff investigated the unpermitted work and asked the contractor to cease work. He then informed the Marshall County NRCS, SWCD and the DNR of the work. Stephanie Klamm, Hydrologist MN DNR, reported the DNR has issued a Restoration Order requiring Doug Wonnenberg fill in the ditch, including compacting of a reach and return the coulee to its original state. She reported Doug Wonnenberg and the contractor are cooperating in the restoration process and the DNR will be monitoring the channel for the next 5 years.

Jim Hest, NRCS Red River Valley Conservation Service Area Engineer, joined the meeting approximately 9:00 a.m.

A discussion ensued concerning the water issues plaguing the townships located in the Tamarac Sub-Watershed. The Board encouraged those in attendance, to work with Administrator Praska and Engineer, Tony Nordby, on the process to initiate a Petition with the District to establish a legal drainage ditch and/or a retention area. Administrator Praska was directed to contact Attorney Jeff Hane for direction on the process to follow.

Ron Zutz and Loren Zutz joined the meeting at approximately 9:17 a.m.

Jim Hest addressed the permit (17-108) of Eugene Larson to install (2) 24" side water inlet culverts with flap gates, in the NW4 and SW4 of Section 11 of Viking Township. He stated the Board, at the October 16, 2017, board meeting, approved the installation of (2) 18" side water inlet culverts. However, the NRCS recommends 24" culverts be installed and inquired if the District would amend the permit.

After discussion, a motion was made by Mr. Eric Johnson, seconded by Mr. Brad Blawat that the permit (17-108) to Eugene Larson be amended to install (2) 24" side water inlet culverts with flap gates, NW4 and SW4 of Section 11, Viking Township. Motion unanimously carried.

The following permits were unanimously approved:

1. Permit (17-111) to Brian Jensen to regrade the East US. Hwy #75 ditch going North to establish a .037% grade; to raise the existing 24" field crossing culvert approximately 1.28' above its current elevation, SW4, Section 8, Sinnott Township. (Motion by Mr. Bill Petersen, seconded Mr. Roger Mischel)
2. Permit (17-112) to Dale Price to install a field crossing with a 30" culvert, in the east CSAH #23 ditch, on the west line SW4, Section 35, Sinnott Township. (Motion by Mr. Robert Kovar, seconded Mr. Eric Johnson)
3. Permit (17-113) to Brent Strickler to install 11 acres drain tile; ¼" coefficient; 44' spacing; gravity outlet into the Brandt Angus Coulee, SE4, Section 23, Angus Township. (Motion by Mr. Eric Johnson, seconded Mr. Brad Blawat)
4. Permit (17-114) to David Kallock to install 92 acres drain tile; 3/8" coefficient; 50' spacing; 7.5 HP (1216 GPM) VFD pump; outletting thru 18" pipe under township road; SE4 & SW4, Section 36, Bigwoods Township. (Motion by Mr. Robert Kovar, seconded Mr. Roger Mischel).

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5. Permit (17-115) to David Kallock to install 30 acres drain tile; 3/8" coefficient; 50' spacing; gravity outlet, SE4, Section 32, Bigwoods Township. (Motion by Mr. Bill Petersen, seconded Mr. Eric Johnson).
6. Permit (17-116) to Kenny Johnson to install 152 acres drain tile; 1/2" coefficient; 40' spacing; 7.5 HP (1433 GPM) pump; with conditions: that no berm is installed and the existing southerly outlet culvert into Polk County Ditch #2 is used; SW4, Section 19, Tabor Township. (Motion by Mr. Bill Petersen, seconded by Mr. Brad Blawat)
7. Permit (17-117) to Kenny Johnson to install 155 acres drain tile; 1/2" coefficient; 40' spacing; 7.5 HP (1461 GPM) pump; with conditions: no berm is installed and existing 24" culvert into Polk County Ditch #2 is used is used; SE4, Section 23, Northland Township. (Motion by Mr. Robert Kovar, seconded by Mr. Roger Mischel)
8. Permit (17-118) to Kenny Johnson to install 154 acres drain tile; 1/2" coefficient; 40' spacing; 7.5 HP (1461 GPM) pump; outletting into Polk County Ditch #2 provided applicant contacts Jim Novak; SE4, Section 24, Northland Township. (Motion by Mr. Roger Mischel, seconded by Mr. Eric Johnson)

The following permit was Administratively approved and reviewed:

9. Permit (17-119) to Steve Moen to widen existing crossing and replace a 24" culvert with a longer 24" culvert; NW4, Section 7, Vega Strip Township.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that payment be made to Zavoral Construction, in the amount of \$8,661.85 for the outlet repair on Judicial Ditch #29 Main, in Sections 15 and 22 of Fork Township. Motion unanimously carried.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar that payment be made to Spruce Valley Corporation for the outlet repair on Judicial Ditch #29, Lateral 1 and Lateral 2, Fork Township, in the amount of \$39,887.60. Motion unanimously carried.

Darren Carlson, Marshall County SWCD, reported additional cost share funding has become available to assist in the Outlet Repair on Judicial Ditch #29 Main and Laterals 1 and Laterals 2. He stated the total amended cost share amount is \$75,142.98, and if the Board accepts the amended amount, an amended agreement would need to be executed.

Motion by Mr. Robert Kovar, seconded by Mr. Brad Blawat that the Chairman be authorized to execute the amended cost share agreement with the Marshall County SWCD for the outlet repair of Judicial Ditch #29 Main and Laterals 1 and 2, in the amount of \$75,142.98. Motion unanimously carried.

Darren Carlson also reported that the SWCD Board approved 1/3 payment of the cost share agreement for the outlet repair of Judicial Ditch #29 Main. He presented a check to the District, in the amount of \$25,047.66.

Motion by Mr. Bill Petersen, seconded by Mr. Robert Kovar that the District accept the check from the Marshall County SWCD, in the amount of \$25,047.66, which represents 1/3 of the cost share for the Outlet Repair of Judicial Ditch #29 Main. Motion unanimously carried.

Administrator Praska reported that Mark Judovsky provided the required insurance documents and has completed the work of installing a field approach in Section 36 of Northland Township as part of the Repair of Judicial Ditch #75 road slope. He stated the District received a bill from Mark Judovsky for 4 1/2 hours of work at a rate of \$150.00 per hour, for a total of \$600.00.

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Tony Nordby reported the signage and seeding have been completed on the Repair of Judicial Ditch #75 and final payment documents are being compiled.

Administrator Praska reported on the status of finding Viewers on the Redetermination and Determination of benefits on Polk County Ditch #175. He stated the individuals he contacted were not interested or are working on other projects. He also stated he received clarification from H2Overviewers regarding their rates.

Motion by Mr. Roger Mischel, seconded by Mr. Bill Petersen that the District retain the services of H2Overviewers, to conduct the Determination and Redetermination of Benefits of Polk County Ditch #175, and that the Chairman be authorized to execute the agreement. Motion carried, with Mr. Robert Kovar abstaining.

Administrator Praska reported he solicited quotes from Gowan Construction and Huff's Excavation for the Outlet repair of Watershed Ditch #7 Improvement. He stated Huff's Excavation is unavailable and Gowan Construction submitted a bid of \$21,316.00. He also reported that Tim Bushaw has agreed to cost share 50% on the flapgate and will provide the dirt at no expense.

Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that the District accept the quote of Gowan Construction, in the amount of \$21,316.00, to perform the works on the Outlet repair of Watershed Ditch #7 Improvement. Motion unanimously carried.

Administrator Praska reported the works of Zavoral Construction to rip rap and install fabric on 9 culverts, on the West end of Judicial Ditch #75 is progressing. He also reported he was notified by a landowner that a Watershed Ditch #5 field outlet culvert in the NW4 of Section 15 of Northland Township was half filled with sediment. He stated the landowner was willing to remove the sediment and the work has been completed. Administrator Praska also reported on a damaged flapgate located in the NE4 of Section 14, Northland Township. It was the consensus of the Board that Administrator Praska be authorized to replace the damaged flapgate.

Administrator Praska reported one quote has been received from Bolt Boring, Fargo, North Dakota to jack a culvert on Judicial Ditch #14, Branch A, in Section 12 of New Solum Strip. He stated the Canadian Pacific Railroad has reviewed the permit application and they have no objections to the proposed work, however, the District would be responsible to pay the flagging services of the railroad, in the amount of \$750.00, for an 8 hour day. Administrator Praska also reported that the work cannot begin until the District receives the executed agreement from the Canadian Pacific Real Estate Department, and at this time the agreement has not been received by the District.

Administrator Praska reported the sediment removal on Judicial Ditch #20 has been deferred to the spring of 2018.

Administrator Praska reported the grass strip on Judicial Ditch #25-1, in the SE4 of Section 9 of Helgeland Township was not seeded pending the removal of Mr. Loren Zutz's crop. He stated the District is ready to proceed with the seeding the grass strip now that the crop has been removed.

Loren Zutz voiced his opinion on the seeding of the grass strip and other issues. He also stated he would not give approval or deny approval of seeding the grass strip in the SE4 of Section 9 of Helgeland Township, but was remaining neutral. Due to snowfall and ground freezing conditions, no action was taken by the Board and this matter will be addressed at a future date.

Loren Zutz and Ron Zutz left the meeting at approximately 11:45 p.m.

Danny Omdahl reported that approximately 1000' of County Ditch #39 Improvement and approximately 1277' of County Ditch #39, in Section 5 of Oak Park Township, are in need of sediment removal.

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Motion by Mr. Robert Kovar, seconded by Mr. Bill Petersen that Gowan Construction be hired to remove the approximately 1000' of sediment on County Ditch #39 Improvement and approximately 1277' of sediment on County Ditch #39, in section 5 of Oak Park Township. Motion unanimously carried.

Danny Omdahl reported it appears the renter of the hayland on the Agassiz Valley Water Resource Management Project has not followed the terms of the rental agreement. The Board directed Danny Omdahl to review the agreement and add this matter as a future agenda item.

Loren Zutz and Ron Zutz rejoined the meeting at approximately 12:03 p.m.

Dillon Nelson reported HDR Engineering is close to having the alternate analysis done on the Newfolden/Middle River Project and requested a meeting be scheduled with the Districts' representatives on the Newfolden/Middle River Project team to review the analysis. Administrator Praska was directed to schedule a meeting with Dillon Nelson, Mr. Bill Petersen and Mr. David Bakke to review the alternate analysis and notice said meeting as required by statute. Mr. John W Nelson announced his intent to attend the meeting also.

Administrator Praska reported the District's proposed rule/ordinance regarding the Buffer Law has been forwarded to the Minnesota Board of Soil and Water Resources for review.

Tony Nordby reported the District staff and Houston Engineering have completed the hydraulics and hydrology survey on the Swift Coulee/CD #3 and are working on the findings.

Tony Nordby reported a project team meeting on the Judicial Ditch #19 RCPP project, to review the Review Point Step #2, has been scheduled for November 14, 2017, at 10:00 a.m., at the Strandquist Community Center.

Tony Nordby reported the Review Point Step #2, on the Judicial Ditch #14 RCPP project, has been submitted to NRCS and MPCA, for review.

Administrator Praska distributed the letter he sent to Representative Dan Fabian, DNR Commissioner Tom Landwehr, NW DNR Regional Director Rita Albrecht, John Williams and Ruth Anne Franke acknowledging the support of the works being done by the DNR in the Florian Water Management Area.

Tyler Larson, hired as the Engineering Technician I, was introduced to the Board.

Administrator Praska reported the documents requested by Scott Peters, regarding Judicial Ditch #75, Agassiz Audubon and the Red River Watershed Management Board have been prepared and will be forwarded to him.

A discussion was held concerning the Proposed Amended Rules of the District.

Motion by Mr. Roger Mischel, seconded by Mr. Robert Kovar that the hearing on the Proposed Amended Rules of the District be scheduled for December 18, 2017, at 1:30 p.m., at the Bremer Bank in Warren, Minnesota. Motion unanimously carried.

Mr. Roger Mischel inquired if the Board managers should have a District email address since they are using their personal email addresses while doing works for the District. Administrator Praska stated he would look into the costs to set up District email addresses for the managers and will report back to the Board.

It was the consensus of the Board to purchase new apparel for the Managers and staff.

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Administrator Praska reviewed the status of the District Ditch accounts.

Administrator Praska reported that due to misinformation, the District certified 75% for the Red River Watershed Management Board levy to the Counties payable for 2018, when the amount levied should have been 100%. He stated the incorrect levy amount certified to the Counties cannot be amended for the 2018 year, but the shortfall can be included in the levies for 2019. He stated he discussed this matter with Naomi Goral of the Red River Watershed Management Board and he has been informed that this matter will be addressed at the next Red River Watershed Management Board meeting.

Mr. Roger Mischel reported that Mr. Ron Harnack is retiring from his position with the Red River Watershed Management Board and that after interviews were conducted for the Executive Director position, the Red River Watershed Management Board has offered the position to an individual.

Correspondence from the Minnesota Association of Watershed District concerning the proposed resolutions, minutes and notice of the Annual Meeting were distributed.

Loren Zutz distributed copies of an easement filed and recorded with the Marshall County Recorder, concerning maintenance of the South Branch of the Snake River, which is the Agassiz Valley Water Resource Management Project's outlet via Judicial Ditch 25-1.

The following meetings were announced:

November 20, 2017-Regular Meeting, 8:30 a.m., District Office
November 20, 2017-Advisory Committee Meeting, 1:30 p.m., Bremer Bank
December 4, 2017-Regular Meeting, 8:30 a.m., District Office
November 30-December 2-2017 MAWD Annual Meeting, Alexandria
January 23-25, 2018-RRB Land & Water Conference, Winnipeg

By unanimous consent the meeting was adjourned at approximately 1:30 p.m.

Connie Kujawa
Recording Secretary

Roger Mischel
Assistant Secretary/Treasurer